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Report of the Ethics Office of UNICEF for 2016

Summary

The present report is submitted to the UNICEF Executive Board in accordance with section 5.4 of the Secretary-General's bulletin on United Nations system-wide application of ethics: separately administered organs and programmes (ST/SGB/2007/11). The report was reviewed and recommendations were provided by the Ethics Panel of the United Nations, as envisaged in the bulletin.

The annual report covers each of the mandated areas of work for the Office: (a) standard-setting and policy support; (b) training, education and outreach; (c) advice and guidance; (d) the Financial Disclosure Programme; (e) the protection of staff against retaliation; and (f) participation in the Ethics Panel of the United Nations and the Ethics Network of Multilateral Organizations. In accordance with Executive Board decision 2014/12, the report also presents observations/recommendations to management to strengthen the organizational culture of integrity and compliance. The report covers activities relating to UNICEF staff and services provided to UNICEF staff, as well as consultants and other non-staff, to the extent applicable.

* E/ICEF/2017/5.

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I. Introduction

1. The present report, the eighth since the establishment of the UNICEF Ethics Office in December 2007, covers the period 1 January to 31 December 2016. The report, prepared in accordance with the Secretary-General's bulletin on United Nations system-wide application of ethics: separately administered organs and programmes (ST/SGB/2007/11), is submitted to the Executive Board at its annual session in 2017.

II. Overview and general information on activities of the Ethics Office

2. As in previous years, the activities of the Ethics Office were undertaken in the following mandated areas of work:

(a) Provide guidance and policy support to management on ethics standard-setting by reviewing and advising on the rules, policies, procedures and practices of the organization in order to reinforce and promote the highest standards of ethics and integrity as required by the Charter of the United Nations, other applicable staff rules and regulations, the directives of UNICEF and the standards of conduct for the international civil service;

(b) Raise the awareness of staff regarding the values and expected standards of conduct and procedures of the United Nations, through training and other outreach;

(c) Provide confidential advice and guidance to staff and management, at their request, on ethical issues;

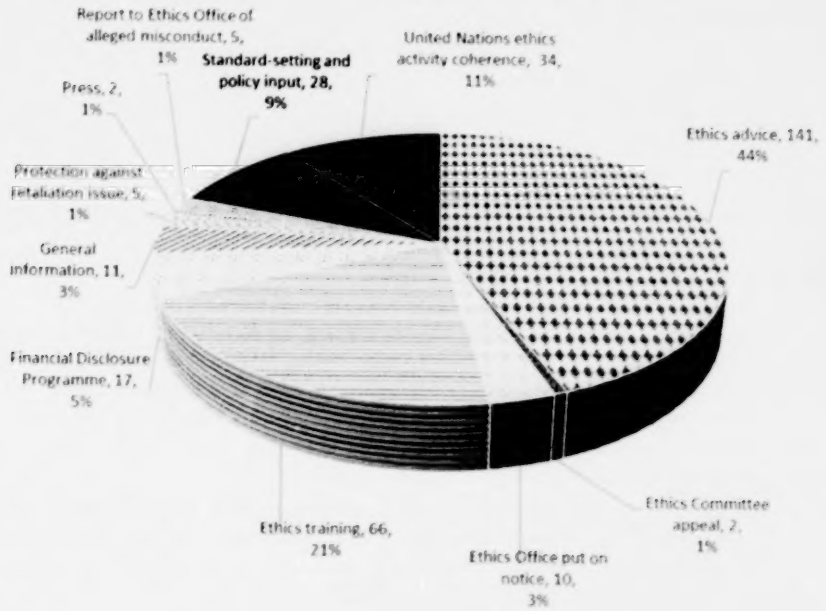
(d) Administer the Financial Disclosure Programme;

(e) Undertake assigned responsibilities under the policy on protection against retaliation;

(f) Contribute to harmonized approaches to ethics issues within the United Nations system.

3. The Ethics Office recorded 321 requests for its services in 2016, compared with 323 requests in 2015 and 261 in 2014. Of these, 44 per cent were requests for confidential ethics advice and guidance (area 2 (c)); 21 per cent were requests for ethics training (area 2 (b)); 11 per cent were related to the coherence and harmonization of United Nations ethics activity (area 2 (f)); and 9 per cent were related to providing guidance and policy support on ethics standard-setting (area 2 (a)). The slightly lower number of recorded requests compared with requests in 2015 does not seem statistically significant and could be attributed to recording differences. Going forward, the Office will look for ways to streamline and modernize the recording of incoming requests, for instance through the acquisition of user-friendly case-management software.

Figure I
Number of requests for Ethics Office services by category, 2016


Report to Ethics Office of alleged misconduct, 5, 1%
Standard-setting and policy input, 28, 9%
United Nations ethics activity coherence, 34, 11%
Press, 2, 1%
Ethics advice, 141, 44%
Protection against Retaliation issue, 5, 1%
General information, 11, 3%
Financial Disclosure Programme, 17, 5%
Ethics training, 66, 21%
Ethics Office put on notice, 10, 3%
Ethics Committee appeal, 2, 1%

4. On the basis of a newly designed work plan for the Ethics Office for 2016/2017, the key emphasis in the activities of the Office in 2016 was on further professionalizing its work and increasing the visibility of the Office and its mandate through a number of outreach initiatives. As noted in the report of the Ethics Office for 2015, there is a continuing need to raise the awareness and understanding of staff members throughout the organization of the mandate of the Office.

5. Throughout 2016, the Office worked closely with offices across UNICEF to achieve seamless and cohesive support to and services for staff members seeking advice on workplace and other staff conduct-related matters. Collaboration was particularly close with the Division of Human Resources, the Office of Internal Audit and Investigations (OIAI), the Office of the Ombudsman for the Funds and Programmes, the Division of Communication and the Information and Communication Technology Division as well as the Global Staff Association at the global and regional levels. The Ethics Office also worked closely with the regional offices and country offices. In addition, the Principal Adviser, Ethics, met regularly — at least on a quarterly basis — with the Executive Director and the Chief of Staff.

Table 1
Comparison of the number of requests for ethics services by category, 2014 to 2016

Category	*2014*	*2015*	*2016*
Ethics advice	122	153	141
Ethics Committee appeal	0	0	2
Ethics Office put on notice	10	8	10
Ethics training	43	37	66
Financial Disclosure Programme	1	36	17

Category	*2014*	*2015*	*2016*
General information	33	13	11
Protection against retaliation	7	12	5
Press	0	0	2
Report to Ethics Office of alleged misconduct	14	27	5
Standard-setting and policy input	20	20	28
United Nations ethics activity coherence	11	17	34
Total	**261**	**323**	**321**

III. Training, education and outreach

6. The main focus of Ethics Office activities in 2016 was training, education and outreach. The overall goal was to further raise organization-wide awareness and understanding of the applicable United Nations staff regulations and rules and UNICEF rules and standards of conduct as well as of the mandate of the Office. To progress towards this goal, the Office diversified the methods and tools it used for training, education and outreach, as further explained below.

7. UNICEF continued to offer and promote the online course entitled "Ethics and Integrity at UNICEF", which was adapted from the e-learning course of the Secretariat and introduced in June 2015. The course, which is available in English, French and Spanish, is mandatory for current staff and is included in the induction package for new staff.

8. In 2016, the Ethics Office received a total of 66 requests for ethics training and awareness sessions or training support. Those requests originated from 27 country offices, 5 regional offices and 9 headquarters offices or divisions. The Ethics Office provided ethics training to a total of 1,569 staff members, with 734 participating in face-to-face sessions and 835 in remote sessions.

9. The Ethics Office held 28 remote ethics training sessions via Skype or video conference, which were focused on ethics only and customized to the needs of the specific recipients, and four joint remote sessions with the Ombudsman and/or OIAI, also via Skype or video conference. The Office held four global webinars, accessible to staff worldwide, on ethics topics that staff had identified as highly relevant, namely (a) Who is who?: the division of functions and tasks between the Division of Human Resources, OIAI, the Office of the Ombudsman and the Ethics Office; (b) Ethics in emergencies; (c) Avoiding conflicts of interests: how to deal with gifts, including honours and awards; and (d) Ethics and career development: networking versus nepotism — where do we draw the line? The webinars attracted up to 150 participants per session globally and 307 participants in total. In light of the successful launch of this new outreach activity, the Ethics Office plans to continue to offer such webinars in 2017.

10. The Ethics Office continued the global roll-out of the Ethics Dialogue Facilitator model that had been introduced in 2014/2015, based on the "train the trainer" model. Through a combination of remote and face-to-face training, the Office trained 85 new Facilitators. As a result, at the end of 2016, all country offices in the Eastern and Southern Africa, West and Central Africa and Middle East and North Africa regions had one or more Facilitators in place. The Office also responded to requests to recommend external ethics trainers, in particular for very large country offices with several field offices, where it was not possible to reach all

staff with online or remote training via Skype or video conference and the provision of face-to-face ethics training by Office staff was not viable.

11. The Ethics Office also provided in-person ethics training and awareness sessions to 734 staff members, of which 396 were staff based in country offices, 278 were members of regional or global management teams and 60 were representatives of the Global Staff Association. In addition to in-person training sessions for staff at headquarters and in regional and country offices, the Principal Adviser attended and held ethics sessions at two regional management team meetings, the September 2016 Global Management Team meeting and the annual general meeting of the Global Staff Association, and held an induction course for new country office representatives. The Ethics Office also held an in-person ethics session for new staff at headquarters.

12. On the basis of feedback received, and drawing on research in adult education, the Ethics Office made continuous efforts to tailor training and awareness sessions to make them even more customized and situation-specific, with a stronger emphasis on dialogue and awareness.

13. Finally, the Ethics Office took the lead in facilitating collaboration with the Ethics Office of the United Nations Population Fund and its human resources staff, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) to adapt the Secretariat's online training on the prevention of sexual exploitation and abuse for use by the funds and programmes. The online training is expected to be launched in UNICEF in 2017.

IV. Advice and guidance

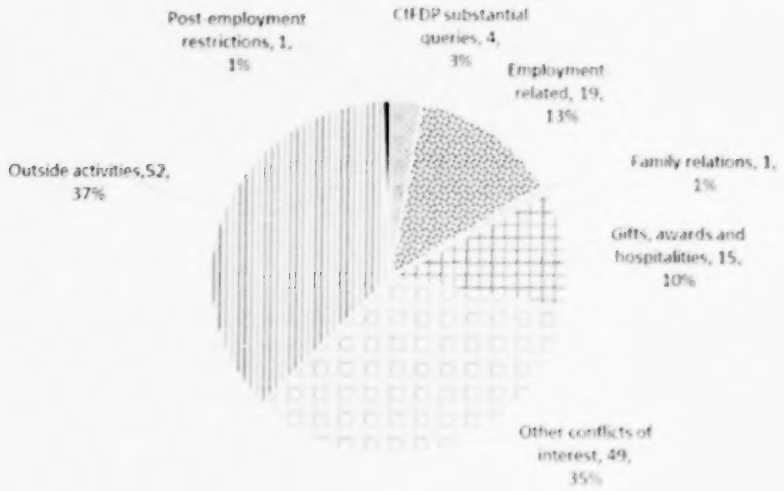
14. The Ethics Office recorded 141 individual requests for ethics advice in 2016, compared with 153 in 2015 and 122 in 2014. As shown in figure II, over one third of the requests (37 per cent) were related to the outside activities of staff members and another third (35 per cent) were related to other conflicts of interest. While the majority of requests came from individual staff members, some came from managers seeking advice on requests from staff members wanting to engage in outside activities. A significant number of requests concerning outside activities also came to the Office as consultation matters from the Policy and Administrative Law Section in the Division of Human Resources. Within the category of requests concerning outside activities and conflicts of interest, the Office noted a significant interest in advice on permissible outside activities somewhat related to, but not part of, the staff member's current official capacity. Such requests may be a reflection of modern employment realities, in which the international civil service may, for many reasons, no longer be a lifelong full-time career. Accordingly, staff members increasingly would like to and may need to explore other options, even while employed at UNICEF.

15. Just over 10 per cent of requests were related to employment, a significantly lower number than in previous years. Such requests were often connected to performance management and interpersonal problems, usually between a staff member and a supervisor. The significantly lower number of such requests might suggest that the outreach efforts by the Ethics Office (for instance through the "Who is who" webinar) and its close collaboration with the Division of Human Resources, the Office of the Ombudsman and the Global Staff Association have contributed to the more appropriate channelling of many of the employment-related requests — namely to the Office of the Ombudsman. In addition, the fact that the Division of Human Resources introduced a new performance management system (Achieve),

accompanied by a significant staff-awareness campaign, may also have contributed to lowering the number of performance management-related requests directed to the Ethics Office.

16. With regard to conflicts of interest, the Ethics Office maintained close collaboration with the Division of Human Resources regarding advice provided to staff members. The majority of questions in this category continued to come to the Office through the Division, although there was a welcome increase in the number of requests from country office staff and management regarding the management of conflicts of interest for locally recruited staff. We were pleased to note that several requests for advice referenced the "Ethics and Integrity at UNICEF" course, i.e., it appeared that after taking the course, staff members' awareness of potential ethics dilemmas had increased and they subsequently contacted the Office with requests for advice and guidance.

Figure II
Requests for ethics advice by subcategory, 2016


Post employment restrictions, 1, 1%
CIFDP substantial queries, 4, 3%
Employment related, 19, 13%
Family relations, 1, 1%
Gifts, awards and hospitalities, 15, 10%
Other conflicts of interest, 49, 35%
Outside activities,52, 37%

Abbreviation: CIFDP — Conflict of Interest and Financial Disclosure Programme (see para. 25).

V. Standard-setting and policy support

17. Under ST/SGB/2007/11, the Ethics Office provides guidance and policy support to management on ethics standard-setting by reviewing and advising on the rules, policies, procedures and practices of the organization in order to reinforce and promote the highest standards of ethics and integrity.

18. To assist the Ethics Office in meeting this aspect of its mandate, the Office held regular collaborative meetings with the Policy and Administrative Law Section in the Division of Human Resources, OIAI, the Staff Counsellor and the Office of the Ombudsman. The Principal Adviser was also included in the regular update meetings at the level of the Deputy Executive Directors and the Chief of Staff, except for closed meetings.

19. During the reporting period, the Ethics Office was consulted and provided advice on several policy projects, including the development of the Policy on

Conduct Promoting the Protection and Safeguarding of Children and the updated Guidance Note on the Use of Social Media. In addition, the Office was consulted on the organizational response to several Joint Inspection Unit reports, developments within the Inter-Agency Standing Committee, in particular in relation to protection from sexual exploitation and abuse, and the Statement by the Inter-Agency Standing Committee Principals regarding Zero Tolerance on Sexual Harassment and Abuse in the Humanitarian Sector.

20. The Policy on Conduct Promoting the Protection and Safeguarding of Children was approved by the Executive Director and made available to all staff in mid-2016. It is the understanding of the Ethics Office that further steps will be undertaken to operationalize this policy. The Ethics Office hopes to have the opportunity to work closely with relevant stakeholders in UNICEF in that respect.

21. The Guidance Note on the Use of Social Media was jointly approved by the Director of Communications and the Director of Human Resources and made available to all staff on 1 February 2017, shortly after the end of the reporting period. The Ethics Office had been consulted by the Division of Communications and provided its views, which are fully reflected in the Guidance Note.

22. The Ethics Office was informally consulted on a number of cross-cutting ethics issues for which a joined-up approach was deemed useful by various stakeholders. The topics included the experience of UNICEF in applying ethics guidelines for research on and with children; ethics in evidence-gathering; engagement with the private sector; post-employment policy; and accountability to populations affected by emergencies.

23. As part of its policy and standard-setting function, the Ethics Office provided a briefing on its programme activities at the annual meeting of the UNICEF Audit Advisory Committee. It became apparent during the reporting period that there was no standard process or practice regarding when, how and in what format the Office should be consulted in matters of ethics standard-setting and policy support. While it was possible in several instances to proceed informally and on an ad hoc basis, it might be beneficial for all stakeholders to consider and clarify how they will involve the Office in ethics standard-setting and policy-support matters, in order to ensure that input from the Office has the organizational impact envisaged in its mandate.

VI. Financial Disclosure Programme

24. The Ethics Office manages and administers the UNICEF Financial Disclosure Programme and strives to ensure that the programme is incorporated into the culture of the organization. In the view of the Office, the Financial Disclosure Programme plays a significant role in enhancing trust in and the credibility of UNICEF, both internally and externally (which, under ST/SGB/2007/11, is the ultimate goal of the Office). In order to increase awareness of the importance of managing conflicts of interest, the Office, in internal communications with staff members, has long referred to this programme as the Conflict of Interest and Financial Disclosure Programme (CIFDP). The programme, which has now reached its ninth year of operation, was designed to protect UNICEF against conflicts of interest and various organizational risks relating to the outside activities and financial engagements of staff members. The CIFDP consists of the following process steps: (a) the registration of participating staff members; (b) filing by participating staff members; (c) review by the Ethics Office; (d) verification by the Ethics Office; and (d) the issuance of guidance notes and clearance letters by the Ethics Office.

25. In accordance with the Executive Directive on Financial Disclosure and Declaration of Interest Statements (CF/EXD/2012-003), all staff members at the D-1 level and above and any staff member whose responsibilities are identified in the Financial Disclosure Policy of UNICEF are required to file a Financial Disclosure Statement. In addition to pre-selected staff members who are required to file due to their level or functional title, additional staff members are selected, in accordance with the policy, jointly by the Ethics Office and the head of the relevant office or division, during the annual filer registration process. The Ethics Office relies upon the individual offices and divisions for the selection of additional staff members on the basis of the registration guidelines issued by the Ethics Office.

Table 2
Compliance with the Financial Disclosure Programme, 2007-2016

Year	*Number of staff required to file*	*Compliance (percentage)*
2007	2 545	82.8
2008	2 556	83.8
2009	2 536	100.0
2010	2 365	99.6
2011	2 592	99.7
2012	2 694	99.9
2013	2 498	100.0
2014	2 594	100.0
2015	2 549	98.9
2016	2 524	99.3

26. A total of 2,507 staff members were reviewed as part of the 2016 CIFDP exercise, covering the reporting year ending 31 December 2015. Director-level staff comprised 4.8 per cent of the total number of reviews, staff members in the international professional category 47.2 per cent, staff in the national professional category 23 per cent and staff in the general service category 25 per cent.

27. The Ethics Office collaborates with the Division of Human Resources, regional directors and heads of offices to raise awareness and understanding of the ultimate purpose of the CIFDP. While compliance by every participating staff member is monitored, the Office considers that senior staff members have a role-model function when it comes to CIFDP compliance. Appointments and contract renewals of senior staff members are subject to confirmed compliance with the programme. This ensures that all senior managers adhere to the Financial Disclosure Policy and are aware of the potential conflict-of-interest issues that could harm the organization.

28. An analysis of the reviews shows that 11.8 per cent of staff participating in the 2016 CIFDP had nothing to declare (they answered "no" to all questions), 85.1 per cent either indicated that they had no conflict of interest or declared personal circumstances in which there was some remote connection to the United Nations or UNICEF that did not currently amount to an actual or even a potential conflict of interest; and 2 per cent had a potential conflict of interest. A total of 1.1 per cent of staff had recognized their own conflict of interest and had already taken proactive steps to mitigate it.

29. The review of the Financial Disclosure Statement is a crucial step towards understanding the conflict-of-interest risk for a given staff member. Following the review, the Ethics Office works with the respective staff members and sometimes the staff member's supervisor or the Division of Human Resources, in an effort to

mitigate risks related to conflicts of interest and to provide staff members with guidance on how to prevent conflicts related to their professional obligations.

30. One type of situation that can lead to potential conflicts of interest is related to staff with family members who work in the United Nations system. The background to this is that under the applicable United Nations Staff Regulations and Rules, staff members may have a spouse working in the same organization (subject to certain limitations, such as the absence of a direct reporting line) and UNICEF has a spousal employment policy that is intended to support mobility among UNICEF staff members. In contrast to this, the employment of close relatives as staff members within the same United Nations entity is prohibited. However, this prohibition does not apply between different United Nations entities. Among staff selected to participate in the 2016 CIFDP exercise, 3.1 per cent had spouses who worked for UNICEF and 11.2 per cent had spouses who worked for other United Nations agencies or UNICEF-related entities, such as partners, non-governmental organizations and vendors. In addition, 15.4 per cent of staff had relatives who worked for UNICEF, other United Nations agencies or UNICEF-related entities.

31. Another source of potential conflicts of interest is related to the outside activities of staff members. Among staff selected to participate in the 2016 CIFDP exercise, 5.3 per cent were involved in such activities or had leadership roles with non-United Nations entities during the reporting period. An area of concern for the Ethics Office is the fact that in some instances staff members who, according to their disclosures in the 2016 CIFDP exercise, were engaged in outside activities, had not sought or received the prior approval called for in Executive Directive CF/EXD/2012-009.

32. The verification process is an important and integral part of the Financial Disclosure Programme and serves to improve the accuracy of the information disclosed by staff members. A randomly selected sample of staff members are asked to provide supporting documents for the Financial Disclosure Statements that they have filed. During the reporting period, the Ethics Office conducted its fourth disclosure verification exercise.

33. Out of the overall number of 2,507 participating staff members in the 2016 CIFDP exercise, those who had been verified during the previous two years (142) and those who had nothing to declare (296) were removed, leaving 2,069 eligible for verification. About 3.5 per cent (73 statements), diversified by location and grade, were randomly selected for verification. Among the results, the distribution by region is proportional to the population, whereas the distribution by grade is skewed towards the higher grade levels. Among staff selected for verification, 44 per cent were from the P-5 level and above and 19 per cent from the NO-3 to NO-5 level.

VII. Protection of staff against retaliation

34. During the reporting period, there were four requests for protection under the UNICEF whistle-blower protection policy and one inquiry, which ultimately did not proceed to a request for protection. The Ethics Office, on the basis of an initial examination, determined that none of the four requests indicated a case of prima facie retaliation. Rather, the Office concluded that the staff members had made a report of alleged misconduct only after they had already been informed of an impending detrimental action, i.e., a personnel measure that would negatively affect them, such as the abolition of post or a non-extension of contract. In other words, the Office concluded that in these cases, attempts were made to trigger the whistle-blower protection mechanism to stop a personnel measure that would negatively

affect the respective staff member, without sufficient indication that there had been a protected activity at the outset.

35. As presented in the annual report of the Ethics Office for 2015, the outcome of the Global Staff Survey 2014 indicated that 51 percent of survey respondents perceived that they could speak up. Notwithstanding the outcome of the four requests for whistle-blower protection in 2016, the Office will continue to monitor the issue of whistle-blowing very closely in 2017.

36. Since her arrival in February 2016, the Principal Adviser has had numerous opportunities during the in-person ethics training, awareness and outreach activities (see para. 11) to explore with staff at headquarters, regional and country offices their perceptions regarding their ability to speak up. On the basis of feedback received during these interactions, it appears that there continue to be significant concerns among staff members regarding the three tenets identified in the 2015 annual report as necessary for a speak-up culture: (a) a staff member can speak up without fear of retaliation or other negative consequences; (b) speaking up is not futile; and (c) working mechanisms to resolve questions of misconduct or other disputes are applied fairly. At the same time, the Division of Human Resources, during the reporting period and as part of the Human Resources Reform project, took a number of initiatives to address issues identified during the Global Staff Survey 2014. In 2016, the Division introduced 360° assessments as a developmental tool for members of the Senior Staff Rotation group, which includes about 220 top managers. The tool can also be made available to less-senior staff members upon request. It is expected that the introduction of the tool, although currently intended to be primarily developmental, may in the long run also have a positive impact on speak-up culture.

37. A new global staff survey was issued in early 2017 containing the same or similar questions as the survey of 2014, in order to establish whether there had been any change in staff perceptions of their ability to speak up. The Ethics Office is committed to continuing its work with other stakeholders throughout the organization, in particular the Division of Human Resources, OIAI, the Staff Counsellor, the Office of the Ombudsman and the Global Staff Association, as well as those at the regional and country office levels, to increase staff trust in the three tenets of a speak-up culture.

VIII. Ethics Panel of the United Nations and the Ethics Network of Multilateral Organizations

38. In 2016, the Principal Adviser participated in all 11 meetings of the Ethics Panel of the United Nations. In addition to the meetings, the panel members frequently consulted each other with a view to harmonizing ethics advice, guidance and practices. All members of the panel have been a great source of peer support for the new Principal Adviser. The ongoing exchange and dialogue with other panel members have contributed to greater consistency in the provision of individual advice and guidance and to greater harmonization in the interpretation of applicable policies among the participating funds and programmes. Further information on the work of panel is available in the report of the Secretary-General on the activities of the Ethics Office (A/71/334) covering the period from 1 August 2015 to 31 July 2016 that was presented at the seventy-first session of the General Assembly.

39. UNICEF also participates in the yearly meeting of the Ethics Network of the Multilateral Organizations. The meeting is an important forum for sharing experience and developing best practices. In 2016, the Principal Adviser participated in and gave a presentation at a panel session on post-employment and re-employment restrictions within the international civil service and related ethics issues.

IX. Progress on 2015 recommendations

40. With respect to the recommendations made in the report of the Ethics Office for 2015, significant progress has been made in all areas, as follows: (a) it is the understanding of the Ethics Office that completion rates for the "Ethics and Integrity at UNICEF" course that was introduced in 2015 are being monitored by each office or division; (b) a new global staff survey was issued in early 2017, which among other issues, also covers the topics suggested as part of the recommendations made in the report of the Ethics Office for 2015; (c) the Policy on Conduct Promoting the Protection and Safeguarding of Children was approved by the Executive Director and made available to all staff in mid-2016 (see para. 20); and (d) the Guidance Note on the Use of Social Media was jointly approved by the Director of Communications and the Director of Human Resources and made available to all staff on 1 February 2017, shortly after the end of the reporting period (see para. 21).

X. Observations

41. Staff members, in general, show high levels of engagement, they love their jobs and are deeply committed to the mandate of UNICEF. However, to preserve this high level of engagement and good will, UNICEF needs to continue to demonstrate at all levels its strong and unwavering commitment to cultivating and nurturing a culture of ethics, integrity and accountability, and thereby enhancing the trust in, and the credibility of, the United Nations, both internally and externally. Advocating for an even stronger speak-up culture will only be credible and successful if there is a listening culture — even if it means at times listening to, receiving and accepting what may look like "bad news".

42. In that context, the results of the new Global Staff Survey 2017 will provide a framework for further nurturing staff engagement, in order to continue to build on the progress made as part of the initiatives taken since the Global Staff Survey 2014. The Ethics Office is also encouraged by the fact that the Division of Human Resources is currently exploring ways to further expand multirater feedback, as part of the new performance management system.

43. With two professional posts (a third one having been approved in 2016 and filled in early 2017) and one general service post, for a mandate covering just under 12,000 staff members worldwide, the Ethics Office is in relative and absolute terms a very small office. This does not mean that it is impossible for the Office to make an effective contribution to achieving its mandate. It means, however, that its success depends upon close collaboration with and strong support from relevant internal stakeholders at all levels across the organization and its ability to create synergies by leveraging such collaboration. During the reporting period, the Office benefitted from such collaboration and support with respect to most of the relevant stakeholders. The Ethics Office stands ready and is looking forward to continuing its outreach to and engagement with other relevant internal stakeholders, to continue to create such synergies.